

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff-Respondent,

v.

BRANDON SMITH,

Defendant-Petitioner.

JUDGMENT

Case Number: **3:16-CR-00008-RCJ**  
(Related Case 3:20-CV-00374-RCJ)

\_\_\_ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

\_\_\_ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

**X** **Decision by Court.** This action came for consideration before the Court. The issues have been considered and a decision has been rendered.

**IT IS ORDERED AND ADJUDGED** that Smith's Motion to Vacate, Set Aside, or Correct Sentence (ECF No. 70) is **DENIED**.

**IT IS FURTHER ORDERED** that a certificate of appealability shall issue on whether it was a structural error for the Court to accept Defendant's guilty plea without informing him of the *Rehaif* knowledge-of-status element.

**IT IS FURTHER ORDERED** that judgment is hereby entered accordingly.

Date: February 24, 2021 \_\_\_\_\_



CLERK OF COURT

*[Handwritten Signature]*

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Signature of Clerk or Deputy Clerk